



CITY COUNCIL EXECUTIVE SESSION
Monday, December 12, 2011
Lorraine H. Morton Civic Center
Aldermanic Library

Present: Alderman Wilson Alderman Wynne
Alderman Holmes Alderman Fiske
Alderman Tendam Alderman Rainey
Alderman Braithwaite Alderman Burrus
Alderman Grover

Others Present: City Attorney Grant Farrar, City Manager Wally Bobkiewicz, Marty Lyons, Assistant City Manager, Robert Gustafson, Worker's Comp and Safety Manager,

Presiding: Mayor Elizabeth B. Tisdahl

Mayor Tisdahl called the meeting to order at 9:24 pm.

Personnel:

City Manager Bobkiewicz announced only Worker's Comp will be discussed with no further update on Collective Bargaining. With that said he turned the floor over to Mr. Gustafson to talk about Worker's Comp.

Mr. Gustafson stated he had only one request for authorization for Firefighter/Paramedic Kurt Dickman with the City of Evanston in the Fire & Life Safety Services. He was requesting a settlement to close the case to the tune of \$72,847.50, or as close as possible to the amount this equates to 30% loss of use of the person as a whole. After hearing the presentation and discussion among the Aldermen it was decided to grant the request that Mr. Gustafson had presented.

Collective Bargaining:

Mr. Lyons stated they had their first AFCSME meeting and the next is scheduled to discuss non-economics. He stated there was new staff and representation for the largest unit and it will be a little difficult with the new union.

Litigation:

Mr. Farrar stated with VEOLIA we are no longer probable litigation we are pending litigation because the drop a complaint on us last Wednesday. Their Lawyer is very bright but overly aggressive. He stated the frustration is getting high and he is going to play that for full advantage.

Mr. Farrar then reported (1) on the Kathrein v. City of Evanston case where he participated in a settlement conference on November 30, 2011. The Judge recommended that the City settle the case for \$14,500.00 and the Plaintiffs indicated they will accept. It was suggested to have the house and garage be painted with a color decided by the City and not go above \$14,500.00. (2) He and Kathy will be trying in Federal Court the LaSalvia case where the Police Officer made a righteous stop, the man ran and resisted arrest. To gain compliance they had a hit on the ear and punctured his eardrum and he is filing a Civil Rights case. This will be in January at the Dirkson Building. (3) He then stated he had not heard from the Attorney who sent a letter on behalf of Evonda since November 17th. He put calls in, sent emails and a letter and nothing has occurred since that. (4) He reported on the Elke situation where she had a pending complaint with the Illinois Department of Labor. The first claim she filed was for payout of vacation and sick time both which she was not entitled to and the Judge denied it they appealed it and the Judge denied the appeal. The second was a retaliation claim for her filing the wage claim which they appeared before another Judge and he found it appeared as we stated and a full hearing which is not transcribed by a Court reporter so it is not a real hearing. The Judge found she had a cause of action for retaliation and he is now in the process of appealing that. She also filed an EEOC complaint that is not going anywhere. (5) The ARDC complaint that was filed by him was determined there was no clear and convincing evidence to open up a formal investigation of her misconduct.

Minutes:

The minutes were held until the next Executive Session. The meeting ended at 9:57 p.m. after a unanimous voice vote.

Submitted by,

Hon. Rodney Greene / City Clerk